IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18422 of 1994

Between:

1 G.Ramasivaiah, S/o. Bullaiah.
R/o. Kakinada, East Godavari.
2 Bavirisetti Subbaraju, S/o. Late Doraiah.
R/o. Kakinada, East Godavari.
3 Chaparla Babu Rajendra Prasad, S/o. Late Suryanarayana.
Kakinada, East Godavari.
4 Sanku Nagalakshmi Kantharao, s/o. Late Suryanarayana.
Kakinada, East Godavari.
5 Garlanka Rama Chandra Rao,
Kakinada, East Godavari.
6 Smt. Bavirisetti Subbayamma,
Kakinada, East Godavari.
7 Smt. Marni Hymavathi, W/o.M.V.Rama Rao,
Kakinada, East Godavari.
8 Smt. Kola Narayanamma, W/o. Late Appa Rao.
Kakinada, East Godavari.
9 Smt. Mummidi Kanakalakshmi, W/o. Late Satyanarayana.
Kakinada, East Godavari.

..... PETITIONERS

AND

1 Govt. of A.P., Rep. Secretary.
Revenue (L.R.) Dept., Secretariat,
Hyderabad.
2 Commissioner, Survey and settlements,
A.P., hyderabad.
3 Settlement Officer, Peddapuram,
East Godavari.
4 District Collector, Kakinada,
East Godavari.
5 Mandal Revenue Officer, Y.Ramavaram Mandal,

East Godavari.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ more in the nature of a writ of Mandamus or any other appropriate writ order or direction declaring that the order of the 1st respondent in Memo.No. 65117/L.R.2/931 dated 08/09/1994, purporting to reject the revision petition of the petitioners for want of jurisdiction, as arbitrary and illegal and direct the 1st respondent to entertain and adjudicate the revision petition of the petitioners is against the orders of the 2nd respondent dated 06/05/1986 and grant such other relief

Counsel for the Petitioners: MR.V.VENKATARAMANA

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORAL ORDER

The petitioners filed this writ petition seeking writ of mandamus to declare the order of the first respondent in Memo No. 65117/L.R.2/93-1 dated 8.9.1994 rejecting the revision petition fled by the petitioners against the order of the second respondent dated 6.5.1986 for want of jurisdiction, as arbitrary and illegal, and for a direction to the first respondent to entertain and adjudicate the revision petition filed by the petitioners.

The case of the petitioners is that, the third respondent herein after conducting a detaled enquiry, had granted pattas to them on 25.11.1974 and 27.11.1974 under the provisions of the A.P. Muttas (Abolition and Conversion into Rytwari) Regulations 1969(for short 'the Regulations') in respect of the land situated in Sy. Nos. 32 to 40 and 43 of Perikivalasa village of Y. Ramavaram Mandal in East Godavari District. The said land is cultivable and a small extent of the land is containing hillocks and that there was a tree growth to some extent. That as per the orders in W.P. No. 1216 of 1983, as modified

by the order of the Hon'ble Supreme Court in S.L.P. No. 3682 of 1984 dated 26.1.1984, the tree growth in the said land was cut and transported, subject to furnishing a bank guarantee for Rs.21,00,000/- which was estimated and agreed upon as the value of the fallen trees and by furnishing the bank guarantee to the extent above, the petitioners transported substantial part of the fallen tree timber. In the meanwhile the second respondent passed orders dated 6.5.1986, in exercise of the suo-moto powers conferred on him under Clause 4(5) (iii), on the ground that the land covered by their pattas is prohibited land within the meaning of Clause 7 of the Regulation as the land is not cultivable and that the land contains gradients exceeding 10% and by virtue of the orders passed by the second respondent, the petitioners were divested of their title to the land as their pattas were cancelled. Hence there was a determination regarding the actual value of the tree growth which was transported by them and the Divisional Forest Officer, Kakinada passed orders dated 14.6.1988, estimating the value of the transported trees at about Rs.62,00,000/- and directed them to pay the said amount which included interest at Rs.12,00,000/- which is arbitrary and astronomical.

It is the main grievance of the petitioners that when the said amount was sought to be recovered from them treating it as arrears of land revenue, they filed a revision before the first respondent-Government seeking its intervention to set aside the orders dated 6.5.1986 of the second respondent in so far as cancellation of their pattas is concerned and to restore the pattas granted to them by the Settlement Officer, and to set aside the determination of amount made by the Divisional Forest Officer under proceedings dated 14.6.1988 and to refrain from applying the provisions of the Revenue Recovery Act in the matter. The first respondent initially granted stay of all further proceedings in the matter, and having called for the reports from respondents 4 and 5 in the revision preferred by the petitioners, the first respondent passed the impugned order dated 8-9-1994 stating that the revision petition is rejected for want of

jurisdiction as the fist respondent has no appellate or revisional powers under the Regulation. Hence the present Writ petition.

Counter affidavit has been filed by the fourth respondent contending that the land in question is a forest land consisting of various timber yielding trees and with steep slopes having more than 10% gradient which cannot be granted on patta in view of the prohibition contained under Section 7 of A.P.Muttah (Abolition and Conversion into Ryotwari) Ref. II of 1969 and that the assignment was erroneously made in favour of the petitioners. It is further contended in the counter that on 27.11.1983 the Commissioner, Survey Settlement and Land Records personally visited the lands in question and finally set aside the pattas granted by the Settlement Officer vide orders L5/969/82 dated 6.5.1986 observing that the lands in question contain a very dense virgin forest, rich in valuable timber species and the gradient of land is definitely higher than 10% and in some places it approaches 30% to 40% and that as against the cancellation of pattas the petitioners preferred W.P. 7154/86 which was dismissed and aggrieved by that they preferred W.A. No. 417/1988 which was also dismissed. But having not satisfied with the same, the petitioners preferred S.L.P. 7797/1988 on the file of the Supreme Court, which was also decided against them. Now the petitioners approached the government with a revision and the same was also rejected, and therefore, it is clear that the petitioners have no right over the said land. It is further submitted that the proceedings under A.P. Muttah (Abolition and Conversion into Ryotwari) Regulation-II of 1969 have become final and that the orders passed by the second respondent in proceedings No. L5/969/82 dated 6.5.1986 were confirmed by this Court which cannot be reopened by any authority and there is no provision for the Government to revise the orders passed by the second respondent and hencethe petitioners have no right over the land in question.

Heard both sides.

Having regard to the contentions raised on either side and in

the absence of any such averment to substantiate the contention raised by the petitioners that the reversionary power vests with the Government against the orders passed by the Director of Survey and Settlements in the affidavit filed in support of the petition, the order passed by the first respondent needs no interference.

Accordingly, the writ petition is dismissed as devoid of merit. No costs.

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kvsn 26-08-2004

To

1 The Secretary, Govt. of A.P., Revenue (L.R.) Dept., Secretariat, Hyderabad.
2 Commissioner, Survey and settlements, A.P., hyderabad.
3 Settlement Officer, Peddapuram, East Godavari.
4 District Collector, Kakinada, East Godavari.
5 Mandal Revenue Officer, Y.Ramavaram Mandal, East Godavari.

6 Copy to The G.P. for Revenue, High Court Bldgs, Hyderabad.

7 Two C D copies.